

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/520,123	STEPPUTAT ET AL.	
	Examiner Abdullahi Nur	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS**. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed on 10/26/2007.
2.  The allowed claim(s) is/are 1-17.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material.
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

**Response to Arguments**

Applicant's argument filed on 10/26/2007 with respect to claims 1-17 is acknowledged.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Henry J. Daley on 1/18/2007.

In page 3, between lines 9 and 10 of the specification, the following brief description of the drawings has been inserted: - -

**BRIEF DESCRIPTION OF THE DRAWINGS**

Fig.1 is a schematic sketch illustrating significant values in generating the laser-induced plasma on the surface of a test object.

Fig.2 shows grid of possible measuring regions on the sample surface.

Fig. 3 shows the measuring region in the YZ-plane in rectangular form.

Fig.4a shows triangulation unit for selecting suited measuring points.

Fig. 4b shows arrangement of surface points of the test object.

Fig.5 describes method of carrying out the invention.

Fig.6 describes control of the pulse intervals for measuring a test object. - -.

1. Claims 1-17 are allowed.

2. The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method for carrying out emission spectrometry, in particular laser emission spectrometry, in which a pulsed laser beam is focused automatically on a workpiece to generate a laser-induced plasma, in which the radiation emitted by the plasma is detected and elemental analysis is performed with the detected radiation spectrum, wherein prior to generating the plasma, in addition to determining the distance d of said auto-focusing optic from the surface of said workpiece, additional geometry parameters P1, P2 .. PN of a potential measuring location on said workpiece surface are determined, in combination with the rest of the limitations of the claim. (see remarks, pp. 8-10, filed on 10/26/2007).

Claims 2-16 are allowed by the virtue of dependency on the allowed claim 1.

As to claim 17, the prior art of record, taken alone or in combination, fails to disclose or render obvious a device for emission spectrometry, in particular for laser emission spectrometry, comprising a pulse laser for generating a laser-induced plasma on a workpiece, an auto-focusing device for the laser beam, a detector for detecting the radiation emitted by the plasma and a device for carrying out elemental analysis, in combination with the rest of the limitations of the claim. (see remarks, pp. 8-10, filed on 10/26/2007).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdullahi Nur whose telephone number is (571) 270-1298. The examiner can normally be reached on Monday - Friday, 8 a.m. to 5p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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